

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1101 THOMAS P. ONEILL, JR., FEDERAL BUILDING
10 CAUSEWAY STREET
BOSTON, MASSACHUSETTS 02222-1074

JAMES M. LYNCH
CLERK

(617)565-6051
FAX (617)565-6087

FILED
CLERKS OFFICE
MAY 19 A 10:00
WORCESTER OFFICE
595 MAIN STREET
WORCESTER, MA 01608-2076
(508)793-0518
FAX (508)793-0541

5/19/04

United States District Court
District of Massachusetts
Harold D. Donohue Federal Building & Courthouse
595 Main Street
Worcester, MA 01608

04-40079

Attention: Deborah Shattuck
Bankruptcy Case/Adversary Proceeding In Re: Stephen S. Gray vs Brian Barnett et al
Bankruptcy Case/Adversary Proceeding In Number: 04-4287

The following documents are being transmitted to your Court:

- ☒ Motion To Withdraw Reference
- ☐ Proposed Order Or Judgement
- ☐ Proceeding With Jury Claim Or Demand
- ☐ Supplementary Memorandum of Decision on Remand and Supplementary Order on Remand
- ☒ Other Memorandum in Support and Docket

Enclosed you will find photocopies of the original papers .

Please acknowledge receipt of these documents by signing the copy of this letter and returning it to this office for filing.

United States Bankruptcy Court
1101 O'Neill Federal Building
10 Causeway Street
Boston, MA 02222-1074

United States Bankruptcy Court
211 Donohue Federal Building
595 Main Street
Worcester, MA 01608-2076

Date:5/19/04

James M. Lynch
Clerk, U.S. Bankruptcy Court

By the Court,

Denisha Sanchez
Deputy Clerk
(508) 770- 8926

04-40079

Receipt is acknowledged of the enclosures referred to above and the proceeding has been assigned our number
:

Date:_____

By:_____

04-40079

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:

DEHON, INC.*,

Debtor.

* The Debtor, formerly named
ARTHUR D. LITTLE, INC.,
changed its name to Dehon, Inc.
following the sale of substantially
all of its operating assets pursuant to
an order of the Bankruptcy Court
dated April 29, 2002.

STEPHEN S. GRAY,
AS PLAN ADMINISTRATOR OF
DEHON, INC.,

Plaintiff,

v.

BRIAN BARNETT, R. SCHORR
BERMAN, JOHN W. BROWN, JILL K.
CONWAY, PAUL E. GRAY, JEROME H.
GROSSMAN, M.D., MICHAEL
HAWLEY, THOMAS JOBSKY,
ASHOK S. KALELKAR, MARGARET G.
KERR, LORENZO LAMADRID,
CHARLES R. LAMANTIA, PAMELA W.
MCNAMARA, BERHARD METZGER,
ARNO A. PENZIAS, JAVIER
ROTLLANT, CLAIR RUSKIN, STUART
SAINT, GERHARD SCHULMEYER,
PETER WOOD, and
WOLFGANG ZILLESSEN,

Defendants.

Chapter 11

Case No. 02-41045 (HJB)

(Substantively Consolidated)

Adversary Proceeding
No. 04-04287

FILED
IN CLERK'S OFFICE
2004 MAY -3 P 3:54
BANKRUPTCY COURT
WORCESTER, MA.

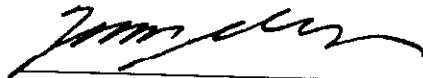
**DEFENDANTS R. SCHORR BERNAN, JOHN W. BROWN, JEROME H.
GROSSMAN, M.D., PAMELA W. MCNAMARA, ARNO A. PENZIAS,
AND GERHARD SCHULMEYER'S MOTION TO WITHDRAW REFERENCE OF
ADVERSARY PROCEEDING**

50

Pursuant to 28 U.S.C. § 157(d), defendants R. Schorr Berman, John W. Brown, Jerome H. Grossman, M.D., Pamela W. McNamara, Arno A. Penzias, and Gerhard Schulmeyer move for permissive withdrawal by the district court of the reference to bankruptcy court because (1) the primary claims asserted against defendants are non-core proceedings that are not within the expertise and specialized knowledge of the bankruptcy court and for which the bankruptcy court lacks authority to issue final orders, (2) defendants are entitled to a trial by jury on the non-core claims and Ms. McNamara is also entitled to a trial by jury on the fraudulent transfer claims asserted uniquely against her, and (3) the interest of judicial economy favors withdrawal of the entire reference (including the core claims) to avoid litigating in two separate forums. The grounds for this motion are more fully described in the memorandum of law filed herewith.

R. SCHORR BERMAN, JOHN W. BROWN,
JEROME J. GROSSMAN, M.D., PAMELA
W. MCNAMARA, ARNO A. PENZIAS, and
GERHARD SCHULMEYER,

By their attorneys,



Jeffrey B. Rudman (BBO #433380)
Paul P. Daley (BBO #112560)
Mark D. Selwyn (BBO #565595)
Jonathan A. Shapiro (BBO #567838)
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Dated: May 3, 2004

CERTIFICATE OF SERVICE

I, Mark D. Selwyn, hereby certify that a true copy of the above document has been delivered by hand upon Douglas A. Rosner, Esq. and Julie A. Frohlich, Esq., Goulston & Storrs, P.C., 400 Atlantic Avenue, Boston, Massachusetts 02110, and by first class mail upon each of the following:

Charles Bennett, Esq.
Hanify & King, PC
One Beacon Street
Boston, MA 02108
Attorney for Brian Barnett and Bernhard Metzger

Robert E. Sullivan, Esq.
Sandra Sue McQuay, Esq.
Sullivan, Weinstein & McQuay
Two Park Plaza
Boston, MA 02116
Attorney for Jill K. Conway and Paul E. Gray

Russell Conn, Esq.
Conn, Kavanaugh, Rosenthal Peisch & Ford, LLP
Ten Post Office Square
Boston, MA 02109
Attorney for Michael Hawley

Pamela Holleman, Esq.
Pat Dinardo, Esq.
Sullivan & Worcester
One Post Office Square
Boston, MA 02109
Attorneys for Ashok S. Kalelkar and Charles R. LaMantia

Judith Sturtz Karp, Esq.
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue, NW
Washington, DC 20036
Attorney for Lorenzo LaMadrid

FILED
IN CLERK'S OFFICE
2004 MAY -3 P 3:54
BANKRUPTCY COURT
WORCESTER, MA.



Mark D. Selwyn